



6/25/07

Dae

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel R. Deaver, David A. Edwards, and Robert S. Langer

Reissue of: U.S. Patent No. 6,908,623 Express Mail No: EM 104577233 US

Filed: June 21, 2007 Date of Deposit: June 21, 2007

For: COMPOSITIONS AND METHODS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR INTERNALIZATION

RECEIVED

JUN 29 2007

OFFICE OF PETITIONS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO ACCEPT AN
UNINTENTIONALLY DELAYED PRIORITY CLAIM**

Sir:

Applicant hereby petitions the Commissioner to accept the unintentionally delayed priority claim described herein. An amendment to the specification to include the complete priority claim and an Application Data Sheet, which includes the complete priority claim, are included with this petition.

The application as originally filed provided an incomplete priority claim, inadvertently omitting that the original application was also a continuation-in-part of U.S. Serial No.08/810,275 filed on March 3, 1997 (now U.S. Patent No. 5,985,320, issued

06/26/2007 H:AKZII 03000375 503129 10717251
91 FC:1454 13/0.00 DA

Reissue of U.S. Patent No. 6,908,623

Filed: June 21, 2007

PETITION UNDER 37 C.F.R. 1.78(a)(3)

TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM

November 16, 1999), which claims priority to U.S. provisional application Serial No.

60/012,721 filed March 4, 1996.

The entire delay between the date the claim was due under 37 C.F.R.

§ 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

The Commissioner is authorized to charge the fee under 37 C.F.R. § 1.17(t) of \$1,370.00 to Deposit Account No. 50-3129.

It is believed that no additional fee is required with this submission. However, should an additional fee be required, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 50-3129.

Respectfully submitted,



Rivka D. Monheit

Reg. No. 48,731

Date: June 21, 2007

PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2152 (Telephone)
(404) 879-2160 (Fax)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel R. Deaver and David A. Edwards

Reissue of: U.S. Patent No. 6,908,623

Express Mail No: EM 104577233 US

Filed: June 21, 2007

Date of Deposit: June 21, 2007

For: *Compositions and Methods for Enhancing Receptor-Mediated Cellular Internalization*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUN 29 2007

OFFICE OF PETITIONS

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER TWO ISSUED PATENTS**

Sir:

Petitioner, The Penn State Research Foundation, is the owner of the entire interest in the above-identified application, U.S. Patent No. 6,387,390, issued May 14, 2002, and U.S. Patent No. 6,652,873, issued November 25, 2003, as evidenced by the accompanying Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,387,390, or U.S. Patent No. 6,652,873, or any continuation thereof under 37 C.F.R. § 1.53(b). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it, U. S. Patent No. 6,397,390, and U.S. Patent No. 6,652,873 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

06/26/2007 10:47:11 00000075 503129 1071/251
02 FC:1614 100.00 0A

In making the above disclaimer, petitioner does not disclaim the terminal part of any

patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,387,390 or U.S. Patent No. 6,652,873, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of The Penn State Research Foundation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

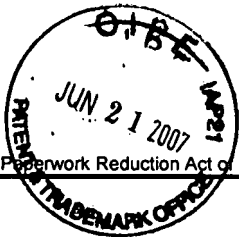
THE PENN STATE RESEARCH FOUNDATION

By: Rivka D. Monheit

Name: Rivka D. Monheit

Title: Attorney for Applicants, Reg. No. 48,731

Date: June 21, 2007



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/96 (12-05)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

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JUN 29 2007

OFFICE OF PETITIONS

Applicant/Patent Owner: Daniel R. Deaver and David A. Edwards

Reissue of U.S. Patent No.

Application No./Patent No./Control No.: 6,908,623

Filed/Issue Date: June 21, 2007

Entitled: **COMPOSITIONS AND METHDS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR INTERNALIZATION**

The Penn State Research Foundation

, a corporation

(Name of Assignee)

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015719, Frame 0512, or a true copy of the original assignment is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Rivka D. Monheit

June 21, 2007

Signature

Date

Rivka D. Monheit

404-879-2152

Printed or Typed Name

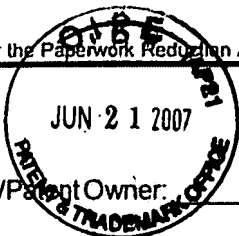
Telephone Number

Attorney for Applicants, Reg. No. 48,731

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**STATEMENT UNDER 37 CFR 3.73(b)****RECEIVED**Applicant/Patent Owner: Daniel R. Deaver and David A. Edwards

JUN 29 2007

Application No./Patent No.: 09/412,821/ 6,387,390 Filed/Issue Date: October 5, 1999/ May 14, 2002**OFFICE OF PETITIONS**Entitled: COMPOSITIONS AND METHODS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR INTERNALIZATIONThe Penn State Research Foundation, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 019224, Frame 0107, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

November 8, 1999

Date

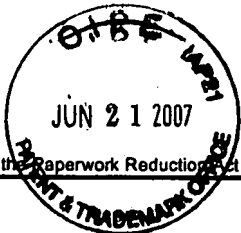
Signature

Thomas A. Monahan

Typed or printed name

Director, Intellectual Property

Title



RECEIVED

STATEMENT UNDER 37 CFR 3.73(b)

JUN 29 2007

Applicant/Patent Owner: Daniel R. Deaver and David A. Edwards

OFFICE OF PETITIONS

Application No./Patent No.: 10/120,940 / Patent No. 6,652,873 Filed/Issue Date: April 10, 2002 / Issued: Nov. 25, 2003

Entitled: Compositions and Methods for Enhancing Receptor-Mediated Cellular Internalization

The Penn State Research Foundation, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 010398 Frame 0611, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 26, 2003
Date

Rivka D. Monheit
Typed or printed name
Rivka D. Monheit
Signature

Attorney of Record for Assignee
Title



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Daniel R. Deaver and David A. Edwards

Serial No: 10/717,251

Art Unit: 1615

Filed: November 19, 2003

Examiner: Carlos A. Azpuru

For: *Compositions and Methods for Enhancing Receptor-Mediated Cellular Internalization*

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JUN 29 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER AN ISSUED PATENT**

Sir:

Petitioner, The Penn State Research Foundation, is the owner of the entire interest in the above-identified application and U.S. Patent No. 6,652,873, issued November 25, 2003, as evidenced by the accompanying Statements Under 37 C.F.R. § 3.73(b). Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173 as shortened by any terminal disclaimer filed prior to the grant of U.S. Patent No. 6,652,873, or any continuation thereof under 37 C.F.R. § 1.53(b). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U. S. Patent No. 6,652,873 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U. S. Patent No. 6,652,873, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that the granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

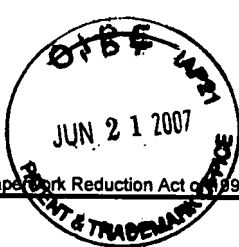
**THE PENN STATE RESEARCH
FOUNDATION**

By: Rivka D. Monheit

Name: Rivka D. Monheit

Title: Attorney of Record, Reg. No. 48,731

Date: February 3, 2005



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Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

RECEIVED

Applicant/Patent Owner: Daniel R. Deaver and David A. Edwards

JUN 29 2007

Application No./Patent No.: 10/717,251 Filed/Issue Date: November 19, 2003

Entitled: **COMPOSITIONS AND METHODS FOR ENHANCING RECEPTOR-MEDIATED CELLULAR
INTERNALIZATION**

OFFICE OF PETITIONS

The Penn State Research Foundation, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

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[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Rivka D. Monheit

Signature

February 3, 2005

Date

Rivka D. Monheit

Printed or Typed Name

404-879-2152

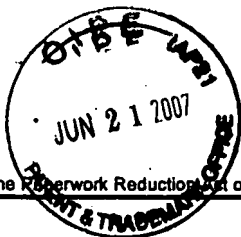
Telephone Number

Attorney of Record, Reg. No. 48,731

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Daniel R. Deaver and David A. Edwards

Application No./Patent No.: 10/120,940 / Patent No. 6,652,873 Filed/Issue Date: April 10, 2002 / Issued: Nov. 25, 2003

Entitled: Compositions and Methods for Enhancing Receptor-Mediated Cellular Internalization

The Penn State Research Foundation, a Corporation

(Name of Assignee)

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The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
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June 26, 2003
Date

Rivka D. Monheit
Typed or printed name
Rivka D. Monheit
Signature

Attorney of Record for Assignee

Title